IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

LA.App..No. 534 of 2002(C)

LAR.417/1997 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI MANOJKUMAR

RESPONDENTS: CLAIMANTS:
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1. PACHAKKIL NEROTH SANTHA,W/O.SREEDHARAN,
PACHAKKIL NEROTH HOUSE, P.O.MALAPARAMBA,KOZHIKODE.

2. P.N.SREEJA, D/O.SREEDHARAN,
PACHAKKIL NEROTH HOUSE,P.O.MALAPARAMBA, KOZHIKODE.

3. P.N.BINDU, D/O. SREEDHARAN,
PACHAKKIL NEROTH HOUSE,P.O.MALAPARAMBA, KOZHIKODE.

4. P.N.BIJU, S/O.SREEDHARAN,
PACHAKKIL NEROTH HOUSE,P.O.MALAPARAMBA, KOZHIKODE.

5. P.N.SINDHU, D/O. SREEDHARAN,
PACHAKKIL NEROTH HOUSE,P.O.MALAPARAMBA, KOZHIKODE.

6. P.N.BEENA, D/O. SREEDHARAN,
PACHAKKIL NEROTH HOUSE, P.O.MALAPARAMBA,KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.534 of 2002.

Dated: September 12, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment and decree in L.A.R.No.417/1997 on the file of the Sub Court, Kozhikode. Though to some extent the Reference Court is justified in making a reasonable calculation as to the land value, such fixation go to the extent of fixation on the basis of mere conjectures and surmises. In the instant case, the Reference Court has fixed the land value at Rs.20,000/- per cent by such an exercise.

2. The learned Government Pleader submits that the appeals filed against the judgment and decree in L.A.R.Nos.550/1997 and 491/1997 (L.A.A.Nos.564/2001 and 240/2002) have been remitted to the Reference Court, which are connected matters. Those are lands acquired pursuant to notification in the year 1991 whereas in the present case the notification is in the year 1993. In the above circumstances it is appropriate that the matter is remitted to the Reference Court with opportunity to the parties to adduce fresh evidence, particularly since the Reference Court also had an opportunity to look into the judgments in L.A.A.Nos.564/2001 and 240/2002. Even the advocate commissioner was not in a position to make

a proper assessment of the land value with reference to the relevant documents.

Accordingly, we set aside the judgment and decree in L.A.R.No.417/1997 and remit the matter to the Reference Court with opportunity to the parties to adduce fresh evidence. The appeal is disposed of as above.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.534 OF 2002

JUDGMENT

12.9.2007